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SEYFARTH SHAW LLP 131 S. DEARBORN ST., SUITE 2400 CHICAGO, IL 60603-5803			EXAMINER KHATRI, ANIL	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/536,820	Applicant(s) GRAHAM, PETER JOHN	
	Examiner Anil Khatri	Art Unit 2191	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/27/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: *A Method and System of Web Site Hosting and Construction.*

The disclosure is objected to because of the following informalities: It recites similar and verbatim language as in claims.

### *Content of Specification*

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

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- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations

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to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-18 are rejected under 35 USC 101 because they disclose a claimed invention that is an abstract idea as defined in the case *In re Warmerdam*, 33, F 3d 1354, 31 USPQ 2d 1754 (Fed. Cir. 1994).

*Analysis*: Claims 1-18 disclosed by the applicant as being a “method of providing a web site...”.

Since the claims are each a series of steps to be performed on a computer the processes must be analyzed to determine whether they are statutory under 35 USC 101.

Examiner interprets that the claims 1-18 are non-statutory because they do not disclose that how a recited method will be able to carry out its intended results of web site development.

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It appears the steps are receiving and sending request from one computer to another without representing and using a template in construction so its functionality can be realized. Further, applicant submit no substance that how this will be processed and executed without incorporating a processor, memory and medium. Therefore, claims 1-18 are an abstract idea and merely manipulation of steps without producing concrete results.

Further, examiner interprets that claims 1-18 are non-statutory because claim recites computer program which are program, per se i.e. the description or expressions of the program are not physical things nor are they statutory process as they do not act being performed. Computer programs do not define any structural and functional interrelationship between the computer program and other claimed aspect of the invention which permits the computer program's functionality could be realized. Therefore, computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by *Singhal et al*

USPN 7,096,418.

Regarding claims 1 and 11

*Singhal et al teaches,*

hosting a web site on a web server, web site having at least one template page defined by a template, template defining how content should be assembled into a page by a client's computer and including at least one content identifier corresponding to electronic content stored on a content server (columns 5-6, lines 64-67 and lines 1-16, Requests for dynamic pages may be recognized in a variety of ways. For example, dynamic pages typically have a URL format with a recognizable extension, such as "ASP" (Active Server Pages), "JSP" (Java Server Pages), "CGI" (Common Gateway Interface), "CFM" (Cold Fusion Markup Language), or the like. Such extensions, for example, indicate that the dynamic pages were generated by a certain scripting language. In accordance with the invention, a dynamic page may also be recognized by the dependencies encoded within the dynamic page. Dynamic pages may also be recognized via a configuration file. The configuration file contains templates, patterns, syntax, and rules indicating URL requests that generate dynamic pages, as well as the URLs that are to be cached. Alternatively, request header information received by a dynamic content cache, such as headers containing form data or cookies, may contain the requisite information to enable a dynamic content cache to identify a request for a dynamic page. (A cookie is a block of data that a web server stores on a client system for later retrieval and column 6, lines 17-30, parameters being passed to the origin server may be determined by parsing the URL address and/or the request header information. A URL is the address of a resource on the Internet, with a syntax generally in the form "protocol://host/localinfo?query," where protocol specifies the means of fetching the object (such as HTTP or FTP), host specifies the remote location

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where the object resides, localinfo is a string (often a file name) which indicates the local path, filename, or uniform resource identifier (URI), and query specifies a parameter list. For example, the URL request, "http://www.MyAuction.com/createItem.asp?Seller=193682," indicates that "http" is the protocol used, the origin server or host Web site is "www.MyAuction.com," the URI or local file is "createItem.asp," and the parameter passed is "Seller" with a value of "193682).

web server receiving a request for a template page from a client computer (column 6, lines 57-67, FIG. 4 shows the basic steps performed by the systems 200 and 201 (FIGS. 2A and 2B) in accordance with the present invention to respond to a request for a dynamic page. In step 402, a user starts by requesting a dynamic page using the user's browser 202. Assuming that an ISP dynamic cache 212 is present in the system, the ISP dynamic content cache first checks its local cache to determine if the requested dynamic page is available, in step 404. If it is available, a "yes" outcome at the decision box 406, it is then sent to the user in step 410 and then eventually received by the user via the user's browser in step 426);

web server responding to request by sending template to client computer (column 4, lines 34-55, A proxy server is a device or software whose function includes serving Web pages from the fastest or nearest accessible source. They cache static pages and may be configured to communicate with other proxy servers that contain cached static pages.) The browser 202 sends page requests through the ISP Proxy server 206 to retrieve dynamic pages and static pages



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from an origin web server 208 and an origin dynamic content server 210, respectively. (A dynamic content server is a device or software whose function includes serving dynamic Web pages and/or static Web pages. It is capable of retrieving data from a data store, such as a relational database management system, and is also capable of using the data retrieved from the data store to generate a Web page incorporating the data retrieved from such data store.) In accordance with the invention, requests from the browser 202 for dynamic pages are provided by a dynamic content cache 212 that is coupled with the ISP Proxy Server 206 or by a dynamic content cache 214 that is coupled with the reverse proxy server 226. Static pages are in turn provided by the ISP proxy server 206 or by the Reverse Proxy Server 226. (Reverse proxy server is a proxy server that is near the origin web server);

client computer ascertaining content identifier from template (column 13, lines 21-30, The EventTemplateList element, lines 13 to 20, shows the pattern, template, or syntax of dependency/event rules recognized by the dynamic content cache, without the actual parameter values. The EventTemplateList acts like a template or a pattern of URL requests that the dynamic content cache monitors. EventTemplate elements, lines 14 to 19, are preferred to be in the syntax of "<EventTemplate>event-name(parameter-name, . . .)<\EventTemplate>". The event-name is developer-defined. The event-name is preferred to describe the event that invalidates the underlying data in a dynamic page);

client computer sending a content request to content server according to content identifier (column 3, lines 28-40, the dynamic content cache receives information that defines data upon which each Web page is dependent. That is, when the value of any dependency data item changes, the associated page content also changes, thus, invalidating the associated page stored in cache. An event is defined to be a change in a page dependency value or attribute that results in a change in page content. The dynamic content cache stores dependency data, receives change event information, and invalidates or refreshes pages in the cache. In this way, the invention provides a cache that can store dynamic Web pages and efficiently refresh them to timely respond to requests for page content, and thereby reduce the workload on Internet origin servers);

content server receiving content request and responding by searching records of content server to locate content associated with content identifier and sending content to client computer (column 19, lines 36-47, Referring back to FIG. 8, in accordance with the present invention, events are generated in a number of ways. Typically, because dynamic Web pages are based on dynamic data obtained from databases, changes in the data contained in the databases are usually considered as events. Examples of such events include but are not limited to, a database insert (e.g., an item is added to be auctioned), a database update (e.g. an item's title is changed), or a database deletion (e.g., item no longer available). The preferred embodiment supports Request-based event 818 generation, trigger-based event generation

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824, polling event generation 826 from a DBMS (database management system), script-based event generation 822, and custom event generation 828);

client computer assembling at least one page in accordance with template and including content and displaying page (column 17, lines 1-10, FIG. 8 shows the data flow into a dynamic content cache 802 constructed in accordance with the present invention. The dynamic content cache 802 receives data files, such as Web pages, from an origin web server 804, which receives dynamic pages from an origin dynamic content server 830, which receives data from a relational database or databases 806 and/or a collection of data files or any data source 808. In FIG. 8, the solid lines indicate data flow for dependency information, and the dashed lines indicate data flow for propagation of change event information).

Regarding claims 2 and 12

*Singhal et al teaches,*

content comprises a set of content records stored in database, records being indexed by content identifier (column 18, lines 33-49, Typically the dynamic page is stored, including the page's URL address, to facilitate retrieval in case the dynamic content cache receives a future request for the exact dynamic page. For example, the complete URL address "http://www.MyAuction.com/catItems.asp?CatID=131" is stored associating it with the corresponding dynamic page, so that future URL requests asking for such URL or dynamic page may easily be satisfied by getting a copy from cache rather than delegating the request to the origin server. Dynamic pages are not only stored containing dependencies but are stored

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and indexed in such a way so that files having a particular dependency or having a particular URL address are easily found. One skilled in the art will recognize that the dependency rules need not necessarily be stored in the same file containing the dynamic page. It could be stored in a separate file or an in-process data structure as long as such dependency rules may be associated to that dynamic page).

Regarding claims 3 and 13

*Singhal et al teaches,*

content identifier comprises a URL comprising a first portion corresponding to content server and a second portion corresponding to content (column 6, lines 32-45, one skilled in the art will easily recognize that URL requests or request header information may be parsed, searched, and read to obtain parameter information being passed to the origin web server. For example, parameters may be obtained from cookies as well as from data information contained in header information. In some cases, the parameters passed are based on the URI or local information, such as the position within the URL address (herein called positional parameters). For example, if the URL request is "http://www.myAuction.com/aw/listings/list/all/category513/index.html," the parameter, "513," is obtained from "category513." A template, syntax, or pattern match of the URL address may be written to enable the dynamic content cache to extract only certain portions of the URL address).

Regarding claims 4 and 14

*Singhal et al teaches,*

content server formats content into a portion of mark-up language before sending it to client computer (column 6, lines 1-15, "CFM" (Cold Fusion Markup Language), or the like. Such extensions, for example, indicate that the dynamic pages were generated by a certain scripting language. In accordance with the invention, a dynamic page may also be recognized by the dependencies encoded within the dynamic page. Dynamic pages may also be recognized via a configuration file. The configuration file contains templates, patterns, syntax, and rules indicating URL requests that generate dynamic pages, as well as the URLs that are to be cached. Alternatively, request header information received by a dynamic content cache, such as headers containing form data or cookies, may contain the requisite information to enable a dynamic content cache to identify a request for a dynamic page. (A cookie is a block of data that a web server stores on a client system for later retrieval.)

Regarding claims 5, 7, 9, 15 and 17

*Singhal et al teaches,*

content server having records for a plurality of web sites, records being identified by content identifiers unique to the web site to which the content of the records belong (column 5, lines 39-64, referring again to FIGS. 2A and 2B, in the preferred embodiment, the dynamic content cache 214 recognizes incoming browser requests for Web pages and first attempts to satisfy such requests, rather than immediately relaying such requests to the corresponding origin web server 208. Dynamic pages that are not found in the dynamic content cache 214 are then

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satisfied by the origin web server 208, dynamic content server 210, and/or from data files 228 of the Web site. Those skilled in the art will recognize that an optional reverse proxy server 226 (in FIG. 2A) may be included to respond to requests for static pages. (In FIG. 2B, the functions of the optional reverse proxy server 226 found in FIG. 2A are also done by the dynamic content cache 214 in FIG. 2B). Static pages that are not found in the reverse proxy server 226 (in system 200 of FIG. 2A) or in the dynamic content cache 214 (in system 201 of FIG. 2B) are then satisfied by the origin web server 208, dynamic content server 210, and/or from data files 228 of the Web site. (Generally, the origin web server 208 receives the request and the origin dynamic content server 210 generates the dynamic content, optionally, deriving data from data files 228.) Many dynamic Web pages are derived from information stored in an associated relational data base management system (RDBMS). The data files 228 may also include database(s) from which page contents are derived).

Regarding claims 6 and 8

*Singhal et al teaches,*

Rejection of claim 1 is incorporated and further claims recites limitation as n claim 1, therefore, claims 6 and 8 are rejected under same rationale.

Regarding claim 10

*Singhal et al teaches,*

providing a template having a plurality of content identifiers corresponding to different sets of content, ascertaining which content identifier relates to the request on the basis of the request and sending the ascertained content identifier to content server (column 3, lines 25-40, The present invention provides a cache in which data files, such as Web pages, are temporarily

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stored such that users are able to retrieve valid data files, without requesting such data files from a dynamic content server or origin server. The dynamic content cache receives information that defines data upon which each Web page is dependent. That is, when the value of any dependency data item changes, the associated page content also changes, thus, invalidating the associated page stored in cache. An event is defined to be a change in a page dependency value or attribute that results in a change in page content. The dynamic content cache stores dependency data, receives change event information, and invalidates or refreshes pages in the cache. In this way, the invention provides a cache that can store dynamic Web pages and efficiently refresh them to timely respond to requests for page content, and thereby reduce the workload on Internet origin servers).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is 571-272-3725. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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**ANIL KHATRI**  
**PRIMARY EXAMINER**